

PIERCE MUST BE TRIED IN TEXAS

Extradition Proceedings Result in Denial of Motion for Rehearing.

SUPREME COURT'S DECISION

Pierce Swore Waters - Pierce Company Was Not a Part of Standard.

WASHINGTON, D. C., October 19.—In the extradition proceedings of Henry Clay Pierce, chairman of the Waters-Pierce Oil Company, of St. Louis, vs. Chief of Police Creedy, of that city, the Supreme Court of the United States to-day denied Pierce's motion for a rehearing.

Pierce resisted an application for his removal to Texas in connection with the prosecution of his company on the charge of violating the Texas anti-trust laws. The petition for a rehearing was based on a contention that the court's decision turned upon the point as to whether Pierce had taken a false oath, which, it was declared, had not been argued before the court.

History of Case.
ST. LOUIS, Mo., October 19.—The case against H. Clay Pierce comes from Travis county, Texas. The offense of which he is accused is punishable by a term of from two to five years in the penitentiary. Judge Shepard Barclay, who represents Texas in the case, said:

"The decision leaves Mr. Pierce without further recourse. He will have to surrender and be taken to Texas, or go there voluntarily to stand trial."

The indictment returned November 1, 1906, by the Travis county grand jury against Mr. Pierce charged specifically that he had made an affidavit May 30, 1906, in which he swore, among other things, that "the Waters-Pierce Company was not then a party to any agreement or understanding with the Standard Oil Company or any other corporation to regulate or fix the price of any article of manufacture, and was not then a party to any agreement to limit the amount of supply or quantity of any article of manufacture."

In deciding against Mr. Pierce, Judge Adams, of the United States Circuit Court of Appeals, from which tribunal the case was taken to Washington, declared that technicalities must not be permitted to stand against an indictment when it contains "the substance of a charge."

In the ouster suit brought by Missouri through Attorney-General Hadley against the Standard Oil Company it was shown that that company owned two-thirds of the stock of the Waters-Pierce Oil Company.

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CO. A, 1ST REG'T, RAPPED FOR HAVING SQUABBLE

Assistant Inspector-General Stern Submits Report on Militia, Showing Improvement and Needs—Target Practice Strongly Urged—Blues Still Suffer for Lack of Armory.

After a careful examination of conditions, Colonel J. Lane Stern, Lieutenant-Colonel and Assistant Inspector-General, Virginia Volunteers, has submitted a report to Adjutant-General Charles J. Anderson, which was made public yesterday. Although the report shows general improvement along some lines, it is made clear that there is still room for improvement. There has been a slight increase in the number of men in the service and in the percentage of attendance upon drills. The exercises and maneuvers at Chickamauga excited great interest, and more of this kind of instruction is urged for the State troops. Better handling of equipment is noted, and the fact that quartermasters are paid for their services is given as the chief cause. There is a lack of target practice and in individual instruction.

First Regiment Criticized.
Chief among the duties of inspection by Colonel Stern is the criticism he makes of the various regiments and their individual companies, for it is from criticism, justly deserved, that the most important lessons are learned. Concerning the First Regiment, beginning with the headquarters at Staunton, the report is mainly complimentary. A band of fourteen non-commissioned officers and twenty-four privates has been enlisted, and a hospital corps of eleven men assigned to the regiment by special order. The colonel and lieutenant-colonel are complimented for their painstaking efficiency.

Company A, of Richmond, is severely rapped because of its various squabbles and want of discipline and management, and the efforts of some to dissuade others from a performance of their duties. It is stated, however, that the lieutenant in command is making vigorous efforts to overcome the troubles and difficulties, and that it is necessary for him to have vigorous assistance from headquarters. Twenty additional recruits are expected as soon as the company's squabble is over.

Companies B and C are criticized on general principles, showing deficiency in drill and the manner in which stores are kept, and complaints are registered about the manner of keeping the books and papers. Company D, of Charlottesville, is found to be fairly satisfactory, but capable of large improvement. Company E, of Lynchburg, is delinquent, except in drill and discipline, which are very good. Company F, of Richmond, has improved, but the drill is ragged. The equipment is badly kept, and men know little about parts of rifle. Company G, of Alexandria, has competent officers and very good material, but is hampered by lack of conveniences for equipment. Company H, of the same city, which is incomplete, and the men have slight acquaintance with the rifle. Company I, of Farmville, is quite well drilled, and shows good discipline, but the men are careless in point of dress. Knowledge of officers is good.

Company K, of Staunton, has had quarters over a store, which is stated to be a reflection on the city authorities, which, with Company A, makes the very excellent conditions of these companies a greater wonder. The report says: "It is strange that the men with the wealth, enterprise and patriotism of Staunton should permit these conditions to exist." Company L, of Fredericksburg, is not quite up to its previous good condition, though discipline is good and material satisfactory. Company M, of Danville, according to the report, is in pretty bad shape, except that it has improved in appearance and drill.

Second Regiment Improves.
The Second Regiment gets fair recommendation. Nearly every officer of the field and staff is interested in the welfare of the organization, but they are so scattered that concerted effort is not possible.

Judging from the report the conditions of this regiment are not satisfactory. There is great lack of proper armories, which, in the main, consist of tobacco barns, depots and the like sort of structures. The men are not well drilled, details are wanting, the books and papers should be better kept, and there appears to be some lack of interest.

Good reports are made of the headquarters of the Fourth Regiment in Norfolk, though the conditions in the regiment as a whole need great improvement.

There seems to be a general lack of drilling exercises and knowledge of arms, while in some cases, there is a deplorable lack of attendance upon company drills. Armory conditions, as a rule, are better than others in the service.

The inspection of the First Battalion Artillery was satisfactory, both the Richmond Howitzers and the Norfolk battery being highly complimented for their efficiency and their general business as good and material satisfactory. The membership is good, and the officers are commended for their industry.

good. Company A is in good condition, except that the discharged men and other losses are not so certified by the commanding officer in service record, and that seven men do not attend the majority of drills.

The same criticism applies to Company B, except that thirteen men do not attend the majority of drills. Company C shows no better in that charges and losses are properly certified, and only two men do not attend a majority of drills.

The whole report of Colonel Stern is long, detailed and intricate. It shows the condition of the militia in general; that interest may be awakened; the uniforms be made to fit better, and more detailed instruction given.

Colonel Stern's Report.
The report of Colonel Stern to the Adjutant-General follows:

The work in this department for the year ending to-day has been as follows: On July 2, 1908, acting under orders from the Adjutant-General, a company of infantry was mustered in at Alexandria. In obedience to special orders No. 31, A. G. O., May 11, 1908, Company I of that regiment, which was inspected, under section 475 of the Code, with reference to disbandment on July 15th, and Company D, of that regiment, on the day following. At the same time a company of infantry was mustered in at Roanoke by Lieutenant Colonel Robert E. Craighill, Seventieth Infantry.

On September 15th, acting under instructions from the Adjutant-General, contained in a letter dated June 1st, an examination of the enlistment papers and conditions existing in connection with a proposed company of infantry at Abingdon was made. On October 1st a company of coast artillery was mustered in at Norfolk. On October 20, in obedience to instructions from the commander-in-chief, investigation was made at Phoebus in connection with the formation of a company of infantry at that place.

Reports of these several tours of duty, including also a report on the condition of Company I, Seventy-first Infantry, based upon a statement of the general commanding the brigade, were submitted immediately after the performance of these respective duties. The inspection and muster of the volunteers, provided for by statute, for the current year was begun on August 21st and concluded on October 15th. Blank muster rolls were forwarded to the several commands on July 15th, with directions to have the company rolls prepared and returned to regimental headquarters by August 20th. The adjutants were directed to compare these rolls with rosters at regimental headquarters and reconcile all discrepancies. With a few exceptions these rolls were not returned promptly, but all but one reached this office by September 1st.

In the case of these four there was no excuse for the failure to comply with the order. Prompt attention to correspondence and the filing of reports can be enforced by regimental

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Knock Drift Lard, per pound	10c
6 Fat Macerel, for	25c
Best Granulated Sugar, per pound	5 1/4c
New Mother's Oats, per package	10c
Ullman's Pride Coffee, 2 1/2 lbs. pounds for	2 25c
7 large bars Swift's Pride Soap, 10c each	25c
Ullman's Pride Coffee, 2 1/2 lbs. pounds for	2 25c
Large Irish Potatoes, 20c per bushel	90c
Old Rye Whiskey, per gallon	\$2.00
Large cans Tomatoes, per can	8c
Duffy Malt Whiskey, per bottle	85c
Shredded Coconut, 2 lbs. for	25c

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commanders, or the officers failing should be disciplined.

The muster rolls, which are herewith submitted, disclose the fact that about 30 per cent. of the volunteers were discharged during the year. This is slightly less in some of the late preceding years. Causes for discharge are as follows:

Expiration term of service	140
Removal	241
Enlisted in service of United States	23
Other reasons, including business, desertions, etc.	242

Total 662
During the year there were eight deaths, two from accident, three from typhoid fever, one from blood poisoning, one from heart failure, and one from hemorrhage of the brain. It will be observed none died of consumption, from which cause a large percentage of deaths heretofore reported have resulted.

This seems to indicate a more careful examination by the surgeons. Among those who died during the year was Second Lieutenant Robert Le Masurier, Company C, Richmond Light Infantry Blues' Battalion, an exemplary young officer, who had served with conspicuous ability in the United States Volunteers during the war with Spain and afterwards in the Philippines.

Notwithstanding the disbandment of Companies D and I, of the Seventy-first Infantry, during the year, there has been a slight increase in the number of men in the service, and the percentage of those present at inspection shows a small gain over last year.

It will be seen that several of the companies are below the minimum number required by the regulations governing the organized militia issued by the War Department January 24, 1908.

In many of these companies the percentage of attendance during the year, as will be seen from the notes of inspections, was very low; but it is stated by the captains that a large majority of absences is caused by the fact that the men are engaged in business that requires their presence at night, and they cannot attend drills; but that experience has shown that when these companies are called into service over 95 per cent. of the men report for duty. While this may be, and doubtless is, correct, more diligent effort should be made to recruit the companies from that class of men who can attend drills and receive the benefit of instruction which they need in service.

The companies making the worst show in attendance at inspection are Companies J, B, C, and D, First Infantry, and H, Second Infantry; A, E, F and K, Fourth Infantry. If they do not make a better exhibit at the army inspection in March next it is suggested that steps be taken looking to their disbandment.

Unions Show Less Objection.

Less is heard now of the opposition to the service by labor unions, because commanding officers have generally made a point of recruiting men who do not belong to these organizations.

The notes of inspection show the nature of the drills and exercises taught in the several companies and those that are omitted, and it is remembered that orders from brigade headquarters should indicate the character of instruction that should be given; that local staff officers should be present to see how these orders are obeyed, and that reports should be made by these staff officers and also by the commanding officers.

Nothing was more apparent or more pronounced at this year's inspection than the enthusiasm among officers and men growing out of the encampment and maneuvers at Chickamauga. Give and universal opinion was that more valuable information had been gained there in ten days than could be acquired in the armories in many times that period.

Members of the regular army, who were on duty at this camp, are credited with great industry in teaching the volunteers, and with so great courtesy and with so much diplomacy as to make the beneficiaries feel that they had not these officers were conferring the favors. Staff officers who were present received very valuable instruction in their respective duties, and in this connection it is suggested that hereafter at such camps of instruction all staff officers who can properly attend should be ordered to do so, as there is little or no opportunity at home for the staff to gain experience which they would need in service.

Should Be Perfected.

The signal and engineer corps should be organized and perfected. It is suggested that the companies should be enlisted from different parts of the State, with a platoon in each of the several companies, and under the command of a local lieutenant.

There are several telegraph operators now in the service who could be transferred to the signal corps, and it is thought that making them a part of the regular army would be a great benefit to the service, and not now in the service would re-enlist in one or the other of these corps.

Since the action of the Military Board in looking to the paying of company quartermaster-sergeants for services in taking care of the stores and equipment, and requiring them to give bond for the faithful discharge of their duties, considerable improvement has been made in the manner of arming for the better care of this property, and several of the company commanders have made changes in their quartermaster-sergeants in order to get men better qualified to perform this duty.

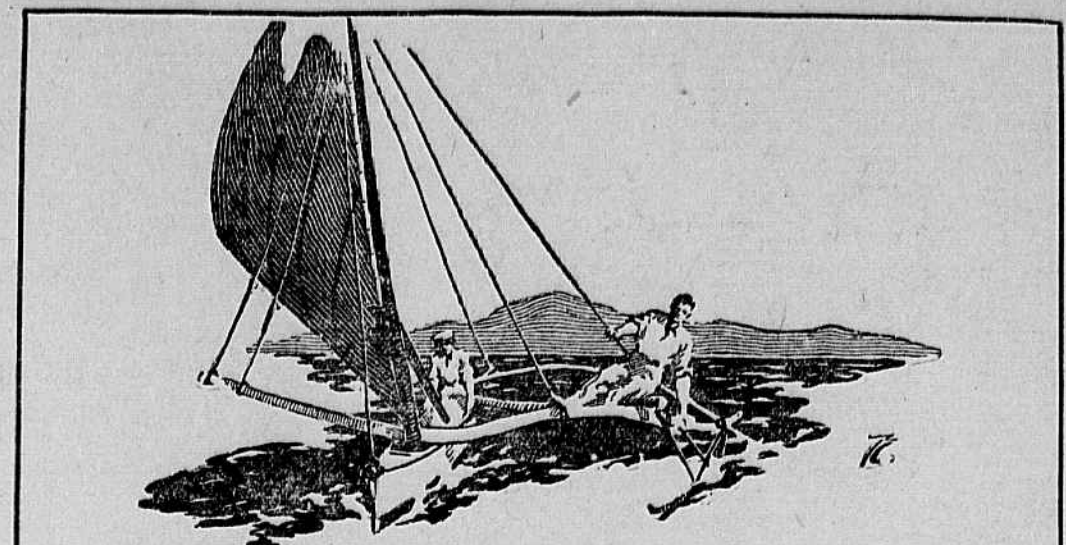
Many of these men, however, had not at the time of inspection made much progress towards bettering conditions in this respect, much of the equipment not being properly cleaned and arranged for preservation. Further inspections will be necessary before the board can be informed, and much improvement will be necessary before any compensation should be made. The lockers used by most of the companies have heretofore generally been large enough to hold the uniforms and other equipment issued to the men; but this is no longer true, as very few of them will accommodate three uniforms, two caps, a hat and the other necessary articles.

Another plan must be devised for taking care of this property, and attention is called to the arrangement made by the captain commanding Company F, Fourth Infantry, referred to in the notes of inspection of that company.

Correcting Errors.

During the inspections time was taken to have men correct errors and omissions in the books and records corrected, and no mention is made of them in the reports. Care was taken to point out methods of arranging property for its better care, and officers were advised to look to instruction should be given the men. The suggestion was made that lieutenants be held responsible for their platoons, sergeants for their sections, and corporals for their squads; that all should assist at drills by correcting errors, and that privates should be taught to understand that they must think for themselves.

It is too much the habit of officers to drill the company in the simple movements, and not to instruct the individuals.
Need Target Practice.
Officers and men were urged to give particular attention to target practice.



To Be the Wife of Jack London

is to be the heroine of many a charming story—for instance, "The High Seat of Abundance" in the November WOMAN'S HOME COMPANION. Here is a vivid word-picture of an exciting ride in a native canoe from Tahiti to the hospitable island of Tahaa. This is London in his element, London at his best—graphic description, whirlwind action, vigorous photographic English, and a glorious time. All this happened on that famous sail around the world which the Londons are taking in search of adventure stories for COMPANION readers. This is in

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both gallery and on the range. A greater interest in this subject is manifest.

Since the adoption of the loose leaf service record enlistment papers, much better showing is made in keeping these papers, and the regimental and separate battalion adjutants have each a correct roster of their respective organizations. This result was never accomplished before.

Practice in the preparation of reports used in service on the field has not been afforded these officers to any extent, because of the limited encampments, but with a prospect of an annual encampment in the future, this omission will receive attention.

Regimental encampments, if possible,

In connection with a company or battalion of the regular army, so often recommended in these reports, are again suggested.

The notes of inspection show some of the companies to be in need of a few articles of equipment to complete their outfit. These articles are on hand in the storerooms, and the whole force may be said, therefore, to be fully equipped for service.

There is a general improvement in the personal and physical appearance, and, with a concerted effort to recruit the small companies up to the regulation, a very satisfactory standard will doubtless be attained during the next year.

Respectfully submitted,
JO LANE STERN,
Lt.-Col. and A. I. G. Va. Vols.

VIRGINIA EX-SLAVE WHO WAS ONCE SECRETARY OF STATE

Death in Louisiana of Samuel Armistead, Once Active in Politics and in Later Years Known as the Marrying Parson.

[Special to The Times-Dispatch.]
NEW ORLEANS, October 19.—Samuel Armistead, a negro ex-slave, who was Secretary of State of Louisiana for sixty days, with a white man, "Jack" Wharton, as his assistant, is dead at Shreveport, La., at the age of 104 years. He was born in Virginia in slavery, and was the property of Dr. William Ball. He came to Louisiana with his master in 1858.

In 1872, when Armistead's star shone on the political horizon, reconstruction was making slow headway in Louisiana. There were fifteen parties and factions in the field. A combination of fourteen was made against the radical Republicans, who were the freebooters led by Kellogg. This was called the Fusion ticket, and Armistead was nominated Secretary of State to represent the negro Democrats and the Liberal Republican negro element. John McEnery, of Ouachita Parish, led the ticket as the candidate for Governor.

Henry Clay Warmoth, then occupying the Governor's chair, called a temporary extra session of the Legislature, which convened December 9, 1872, in the City Hall in New Orleans. The regular session of sixty days, beginning the first Monday in January, 1873, was held in Odd-Fellows' Hall, in New Orleans.

On the night of March 5, 1873, the McEnery forces made an attempt to take possession of the historic old Spanish Cabildo, fronting Jackson Square, where the civil and criminal courts were located. McEnery and his followers were repulsed, and the next

morning the Kellogg metropolitan police supported by Federal troops seized the hall of the McEnery Legislature and arrested J. C. Moncre and A. H. Leonard, members of that body, who were imprisoned for a few hours.

In the afternoon of March 6th the McEnery Legislature met in a quorum in the dining-room of the old St. James Hotel, in Magazine Street, passed resolutions, and adjourned sine die.

The Fusion ticket was fairly elected by a large majority, but the Warmoth administration refused to surrender the reins of government, and both parties were in office two months. The McEnery government was finally routed out by the "midnight order" of the famous Durell.

Of late years Armistead won a reputation as the "marrying parson," having united 60 negro couples in the bonds of wedlock.

NO STRIKE ON HEARSAY

Papermakers at Berlin, N. H., Vote Against Union President.

BERLIN, N. H., October 19.—After a long discussion this afternoon and evening with J. T. Carey, president of the International Brotherhood of Papermakers, Pulp, Sulphite and Paper Mill Workers, the papermakers of the Berlin Mills Company decided last night that they would report for work Monday morning as usual.

At the meeting between President Carey and the union to-day the former made a statement of the situation, but the men voted that they would not go out on hearsay evidence, and must have conclusive proof that their mill was supplying the International Paper Company. The Berlin Mills Company has told the men that its books are open for inspection, and that it is willing to pay the expenses of any two men that the union may desire to send anywhere to investigate the charge of President Carey. The union appointed a committee, at the close of the conference, to see the management to-morrow.

Mr. Carey will remain here in an effort to induce the company to sign an agreement not to supply the International Paper Company with stock.

The ground wood mill of the International Paper Company here will start up to-morrow. It was announced to-night that a notice will be posted to the effect that the company will have no further dealings with the papermakers' union, and if the men wish to go back to work the company will treat with them as individuals. The notice will also contain an appeal to the business men of the city to try to bring about a better condition of affairs.

THIRTY-TWO WOMEN GOLFERS QUALIFY FOR MATCH

WASHINGTON, D. C., October 18.—There were forty-one entries for the fourteenth

annual women's golf championship of the United States, which began at the Chas. Club here to-day with the eighteen-hole medal play round. The best thirty-two qualified for the match, and the final will be played Saturday morning. Miss H. S. Curtis, Essex County Club, Massachusetts made the best score, 85.

NICE PRESENT FOR COVALESKIE

Admirer of Big Southpaw Sends Him \$50 Check Through Manager Shettline.

SHAMOKIN, Pa., October 19.—Harry Covalieskie, of this place, pitcher for the Philadelphia National League Club, received a letter and a check for \$50 from William Shettline, of the Phillies, yesterday, the writer informing him that an admirer of the big southpaw had handed him the check to send to Covalieskie on account of showing up so well in the recent New York-Philadelphia series. The big pitcher spent part of the past week gunning in the mountains, and is in fine physical condition.

He has been offered the position of helper in a blacksmith shop here, in order to keep in training for the early racing season, and he thinks seriously of accepting the position, instead of lounging about the country taking on flesh.

SUES CAR COMPANY

John Gatewood Claims Damages for Injuries Received While Boarding a Street Car. Suit was brought yesterday in the Law and Equity Court by John Gatewood against the Richmond Traction Company and the receivers of that corporation, asking damages in the sum of \$500. Gatewood claims that his right arm and shoulder were injured when he attempted to board a car at Mayo and Broad Streets, alleging that the car started before he was on, and that the crew was negligent of the safety of the public. The suit will be contested.

Wedding Anniversary Birthday Gifts.

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